IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18453 of 2004

Between:

K. Prathap Reddy, S/o. Latchi Reddy,
R/o. Jalapavarigudem, H/o. Ankalampadu,
K. Kota Mandal, West Godavari District.

..... PETITIONER

AND

1 The Joint Collector, West Godavari, Eluru.
2 The Revenue Divisional Officer, Eluru, West Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the proceedings of the 2nd Respondent in R.O.C.No. 1215/2004/(C) dated 31-08-2004 as illegal, arbitrary, contrary to law and violative of Article 19(1)(g) of the Constitution of India.

Counsel for the Petitioner:MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer of Fair Price Shop No.14 of Ankalampadu, Jalapavarigudem village, Kamavarapukota Mandal.

The authorisation of the petitioner was suspended by the second respondent-Revenue Divisional Officer, Eluru, West Godavari District by order dated 31-08-2004, pending enquiry into the alleged irregularities in distribution of the essential commodities. The said order is under challenge in this writ petition.

Admittedly, against the order impugned, an alternative remedy is available under the statute, by way of appeal to the first respondent-Joint Collector, West Godavari, Eluru. As a matter of fact, the petitioner has already preferred the appeal. In the circumstances, though the petitioner raised various grounds assailing the validity of the order of cancellation, I am not inclined to express any opinion on merits. It is open to the petitioner to raise all the grounds in the statutory appeal pending before the first respondent. However, having regard to the plea of the petitioner that the first respondent has not considered his appeal so far, I deem it appropriate to dispose of

the writ petition with a direction to the first respondent to dispose of the appeal by 31-10-2004 pending on his file.

With the above observation, the writ petition is disposed of. No costs.

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11-10-2004

Note: Issue C.C. by three days.

(B/o)

kdl

To

1 The Joint Collector, West Godavari, Eluru.
2 The Revenue Divisional Officer, Eluru, West Godavari District.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.